

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LONI NICOLE GRANGER et al.,

Plaintiffs,

v.

LAUREN KING et al.,

Defendants.

CASE NO. 2:25-cv-00811-JNW

ORDER AFFIRMING DENIAL OF  
RECUSAL (DKT. NO. 9)

This matter comes before the Court on Judge Jamal Whitehead's denial (Dkt. No. 12) of Plaintiffs' motion for recusal. (Dkt. No. 9.) Local Civil Rule 3(f) provides that whenever a judge in this District declines to voluntarily recuse himself from a case following a party's motion to recuse pursuant to 28 U.S.C. § 144 or 28 U.S.C. § 455, "he or she will direct the clerk to refer the motion to the chief judge." Accordingly, this Court now reviews Judge Whitehead's decision not to recuse.

Motions for recusal are governed by 28 U.S.C. § 144 and 28 U.S.C. § 455. Recusal is required if a judge's impartiality might reasonably be questioned or if the judge harbors personal

1 bias or prejudice against a party. 28 U.S.C. § 455(a), (b)(1). Such bias or prejudice must derive  
2 from an extrajudicial source. *Agha-Khan v. Mortgage Elec. Registration Sys., Inc.*, 2022 WL  
3 501564, at \*1 (9th Cir. Feb. 18, 2022); *Mayes v. Leipziger*, 729 F.2d 605, 607 (9th Cir.  
4 1984). Under both 28 U.S.C. § 144 and 28 U.S.C. § 455, recusal of a federal judge is  
5 appropriate if “a reasonable person with knowledge of all the facts would conclude that the  
6 judge’s impartiality might reasonably be questioned.” *Yagman v. Republic Ins.*, 987 F.2d 622,  
7 626 (9th Cir. 1993). This is an objective inquiry concerned with whether there is the appearance  
8 of bias, not whether there is bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th Cir.  
9 1992).

10 Plaintiffs seek to have Judge Whitehead recuse himself from ruling on a motion for  
11 sanctions filed by Plaintiffs on May 15, 2025. (Dkt. No. 9.) Plaintiffs argue Judge Whitehead  
12 should recuse himself from ruling on the motion because the motion “directly names and  
13 implicates” him for “judicial misconduct, retaliation, and obstruction of due process in prior  
14 proceedings related to this case.” (*Id.* at 2.) Plaintiffs contend that allowing Judge Whitehead to  
15 rule on a motion concerning his own alleged misconduct would undermine the credibility of this  
16 Court “and may constitute a violation of the plaintiffs’ constitutional right to a fair and impartial  
17 tribunal.” (*Id.*)

18 Judge Whitehead has already ruled on Plaintiffs’ motion for sanctions. (Dkt. No. 12.) In  
19 his order, Judge Whitehead noted that he dismissed Plaintiffs’ complaint with prejudice and  
20 entered judgment against Plaintiffs, finding their case duplicative of Plaintiffs’ previously  
21 dismissed complaint and barred by the doctrine of judicial immunity. (*Id.* at 1.) Judge  
22 Whitehead found the Court lacked jurisdiction to consider Plaintiffs’ motion for sanctions, which  
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1 relates to the order of dismissal, because Plaintiffs have filed a Notice of Appeal with the Ninth  
2 Circuit, which divests the Court of jurisdiction over Plaintiffs' claims. (*Id.* at 2.)


3 To the extent Plaintiffs seek to prevent Judge Whitehead from ruling on Plaintiffs'  
4 motion for sanctions, the motion for recusal is now moot. However, Judge Whitehead is correct  
5 that Plaintiffs' appeal divests the Court of jurisdiction over Plaintiffs' motion for sanctions.  
6 Further, Plaintiffs' motion for sanctions argues Judge Whitehead erred in dismissing Plaintiffs'  
7 claims and engaged in misconduct because his dismissal order "included discriminatory  
8 language"<sup>1</sup> to the effect that litigants proceeding in forma pauperis lack incentive to refrain from  
9 filing frivolous lawsuits. (Dkt. No. 8 at 2–3.) To the extent Plaintiffs' motion for recusal is  
10 predicated on disagreement with Judge Whitehead's orders or language contained in those  
11 orders, this does not constitute a basis for recusal. *See United States v. Studley*, 783 F.2d 934,  
12 939 (9th Cir. 1986) ("[A] judge's prior adverse ruling is not sufficient cause for recusal.");  
13 *accord Liteky v. United States*, 510 U.S. 540, 555 (1994) ("[J]udicial rulings alone almost never  
14 constitute a valid basis for a bias or partiality motion.").

15 The Court finds no evidence that would lead a reasonable person to question Judge  
16 Whitehead's impartiality. Accordingly, the Court AFFIRMS Judge Whitehead's denial (Dkt.  
17 No. 12) of Plaintiffs' motion for recusal. (Dkt. No. 9.)

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22 <sup>1</sup> The language in question appears to be Judge Whitehead's citation to Ninth Circuit case law.  
23 *See Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) ("[A] litigant whose filing fees  
24 and court costs are assumed by the public, unlike a paying litigant, lacks an economic incentive  
to refrain from filing frivolous, malicious, or repetitive lawsuits[.]") (internal quotations  
omitted).

1 Dated this 1st day of July, 2025.

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4 David G. Estudillo  
5 United States District Judge  
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